Debarring tainted persons from contesting elections

4157. SHRI P. PRABHAKAR REDDY: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that the National Commission to Review the Working of the Constitution has recommended that persons against whom charges have been framed by Courts should be debarred from contesting Parliamentary and Assembly elections;

(b) if so, the details thereof and Government's reaction thereto;

(c) whether Government would propose- to bring forward necessary legislation to give effect to this proposal"; and

(d) if so, the details thereof?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) Yes, Sir.

(b) to (d) Details of the recommendations are given in the statement attached *(see* below). Action on the recommendations lies with the Ministries/ Departments of the Government of India, which are administratively concerned with the subject matter of the recommendations.

Recommendations of the National Commission to review the Working of the Constitutions—

(i) Amendment in Representation of People Act to include tougher provisions for disqualification of candidates, charged with offences punishable with imprisonment of 5 years or more or convicted with imprisonment of 6 months or more and derecognition of political parties which field such candidates despite being aware of his antecedents.

(ii) Barring of any person convicted of heinous crimes like murder, rape, smuggling, dacoity, etc, permanently from contesting for any political.office.

(iii) The provision in sub-section (4) of Section 8 of the Representation of People Act, 1951, should be suitably amended so that the benefit of this provision is not available for the purpose of the person contesting fresh elections.

(iv) The provision regarding disqualification of a person from contesting elections after charges are framed in a Court for an offence punishable with imprisonment for a maximum period of 5 years or more after expiry of a period of one year should be equally applicable to sitting MPs and MLAs.